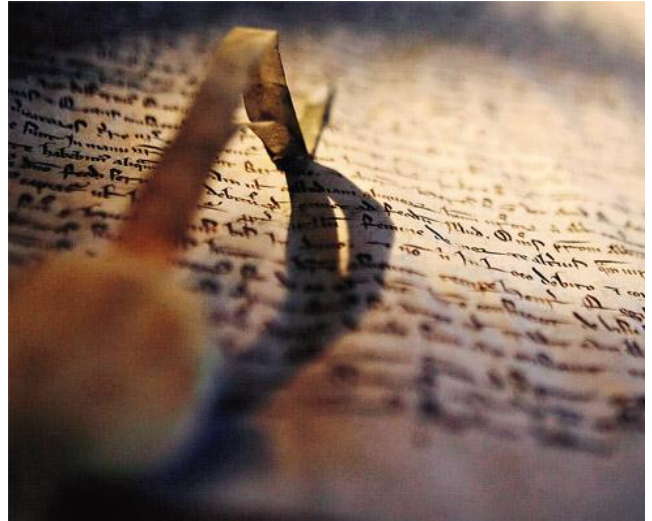


Background on Magna Carta

At the death of his brother, Richard the Lionhearted, John assumed the throne of England, intent on exercising power to achieve his own selfish ends. To fund military campaigns in France, he extracted exorbitant fees from nobles, who, in turn, raised the rents imposed on their tenants. At the same time, John reduced the lords' customary powers over those tenants, restricting, for example, their power to hold court for those living on their feudal lands. He attempted to influence church elections and confiscated church properties, alienating the powerful ecclesiastical establishment and depriving the poor of the only source of relief available to paupers. He restricted trading privileges traditionally granted to London's merchants and increased their taxes, alienating this constituency as well.

His unbridled exercise of power, coupled with the fact that his administration was both corrupt and inefficient, ultimately led the feudal lords to challenge his authority. Rebellion against the king's rule surfaced in 1213, when England's nobles refused to support him in yet another war in France. The Archbishop of Canterbury, Stephen Langton, sided with them. As animosity mounted, the barons grew more determined to reclaim their rights and in early May 1215 renounced their allegiance to the king. Initially, John refused to meet with them, but he changed his mind when London's merchants opened the gates of the city to the nobles, demonstrating that they, too, were prepared to challenge the king's authoritarian rule.



Threatened with a violent overthrow, John had little choice but to meet with the barons and agree to the terms they presented at Runnymede. The original draft was replaced four days later with a slightly amended version that extended rights to freemen (about 10% of the population at that time) as well as nobles. That official version, though sealed by the king, was annulled on August 24, 1215 by Pope Innocent II, who threatened the barons with excommunication if they attempted to enforce it.

Although English monarchs continued to abuse their powers, they also came to recognize the need for baronial support. John's son and successor, Henry III, instituted the practice of bringing his knights together to obtain approval for new taxes. This meeting, known as "parliamentum," had become customary by 1254. A decade later, membership had expanded to include representatives from cities and boroughs, and by the end of the century, members of the commons and inferior clergy were invited to participate.

Despite the fact that groups within English society had gained a voice in financial decision making, powerful barons continued to protest against expensive foreign wars, the failure of the king to respect established laws and customs, and infringement of basic liberties. A turning point came in 1297 when King Edward I agreed to the Charter of Confirmation. This document established Parliament as a truly representative body by requiring common consent to all tax measures, and it enhanced the importance of Magna Carta by declaring all judgments contrary to this document to be null and void. Recognition of Magna Carta as a higher law ultimately served as precedent for the assertion that the United States Constitution is the "supreme law of the land" and for judicial power to declare statutes unconstitutional.

Why is Magna Carta Important?

Magna Carta was the first grant by an English king to set detailed limits on royal authority. Through its statement of liberties, it sought to prevent the king from exploiting his power in arbitrary ways and it made clear that the king was subject to the law, not above it.

The majority of the clauses in Magna Carta dealt with the regulation of feudal customs and the operation of the justice system, not with legal theory and rights. It was King John's extortionate exploitation of his feudal rights and his ruthless administration of justice that were at the core of the barons' grievances. It was a practical solution to a political crisis which primarily served the interests of the highest ranks of feudal society by reasserting the power of custom to limit despotic behavior by the king.

However, other clauses within Magna Carta have been interpreted to mean much as time has passed. Within these clauses we can find some of the earliest examples of key principles upon which our nation was founded. Three "themes" of representative democracy are expressed within Magna Carta: the rule of law, the fairness of the law, due process of the law, and respecting economic rights (a basic outline of these themes is listed below).

Using the online [modern translation](#) of Magna Carta, please provide the number of *at least one* provision from Magna Carta that addresses each of the sub-points on the outline below. Certain provisions will earn you one point, others two, and the best matches are worth three.

Rule of law

- Powers and privileges of the king are clearly defined and limited
- Charter provides for enforcement of restrictions placed on the king

Fairness of the laws and their execution

- "Reasonable" rules and regulations
- Equal justice under the law
- Recognition of customs, traditions, and established rights
- Restoration of property and fines if not justly taken
- Punishment in proportion to the crime

Commitment to "due process of law"

- No trial without evidence/testimony to support accusations
- Reliance on local courts and magistrates
- Trials held in a timely manner
- Trials open to the public
- Trial by a jury of one's peers

Respect for economic rights

- Right to property
- Fairness in economic transactions—standard weights and measures
- Reimbursement for and/or restoration of property
- Freedom for merchants to move in order to conduct business